§ 15.25 Admission and retention of certain non-objecting residents.

(a) The director of any school may receive and retain therein as a resident any person in need of care and treatment who does not object thereto and who is so profoundly or severely developmentally disabled that he does not have sufficient understanding to make him suitable for admission as a voluntary resident upon an application, accompanied by a certificate of an examining physician or certified psychologist. The application shall conform to the requirements for an application set forth in section 15.27 of this article. The certificate of the examining physician or certified psychologist, in addition to the other requirements for such certificate set forth in this article, must show that the person sought to be admitted meets the requirements of this section.

(b) The director of the school where such person is brought shall cause such person to be examined forthwith by a staff physician of such school other than the original examining physician or certified psychologist whose certificate accompanied the application and, if such person is found to be suitable for admission under this section, he may be admitted thereto as a resident and retained therein for care and treatment.

(c) If notice in writing that the resident be released from the school is given to the director by the resident or any person on his behalf or by the mental hygiene legal service, the director shall promptly release the resident; provided, however, that, if there are reasonable grounds for belief that the resident may be in need of involuntary care and treatment, the director may retain the resident for a period not to exceed seventy-two hours from the receipt of such notice. Before the expiration of such seventy-two hour period, the director shall either release the resident or apply to a court of record in the county where the school is located for an order authorizing the involuntary retention of such resident. The application and proceedings in connection therewith shall be in the manner prescribed in this article for a court authorization to retain an involuntary resident, except that notice of such application shall be served forthwith and, if a hearing be demanded, the date for hearing to be fixed by the court shall be at a time not later than three days from the date such notice has been received by the court. If it be determined by the court that the

resident has a developmental disability and is in need of retention for involuntary care and treatment in the school, the court shall forthwith issue an order authorizing the retention of such resident for care and treatment in the school for a period not exceeding sixty days from the date of such order. Further applications for retention of the resident for periods not exceeding one year, and successive two year periods thereafter, respectively, may thereafter be made in accordance with the provisions of this article.

(d) The director shall cause written notice of a person's admission pursuant to this section to be given forthwith to the mental hygiene legal service. The mental hygiene legal service shall promptly review such admission. Thereafter, the mental hygiene legal service and the director of the school shall make a review of such resident's retention pursuant to this section at least once during each twelve month period of retention.